## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

(1)KIDZONE LEARNING CENTER, INC.,	)
Plaintiff,	)
v.	) Case No. CIV-14-0870-R
(2) CAPITOL INDEMNITY CORPORATION, and	) ) )
(3) ASPEN ROOFING AND	)
EXTERIORS, L.L.C.	)
	)
	)
Defendants.	)

## **JUDGMENT**

On this 3rd day of February, 2016, upon application by the Plaintiff, the Court FINDS that Defendant, Aspen Roofing & Exteriors, L.L.C., has been properly served; has failed to Answer or Enter an Appearance; and is in default. The Court further finds as follows:

- Plaintiff Kidzone Learning Center, Inc., suffered loss of income of \$100,000.00 and damage to realty in the amount of \$175,000.00 due to negligence of Defendant Aspen Roofing & Exteriors, L.L.C., and assesses compensatory damages of \$275,000.00.
- The Court finds by clear and convincing evidence that Defendant Aspen Roofing &
  Exteriors, L.L.C. acted willfully, intentionally, and/or in reckless disregard of the
  rights of Plaintiff Kidzone Learning Center, Inc., and assesses exemplary damages in
  the amount of \$275,000.00.
- 3. The Court determines that Aspen Roofing & Exteriors is entitled to a set-off of \$210,000.00.
- 4. Therefore, it is, hereby, ORDERED that Defendant Aspen Roofing & Exteriors, L.L.C. is adjudged in default, and judgment is rendered against it and in favor of

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Plaintiff Kidzone Learning Center, Inc., in the amount of \$340,000.00 (Three Hundred Forty Thousand Dollars).

IT IS SO ORDERED this 5<sup>th</sup> day of February, 2016.

DAVID L. RUSSELL

UNITED STATES DISTRICT JUDGE